



3721

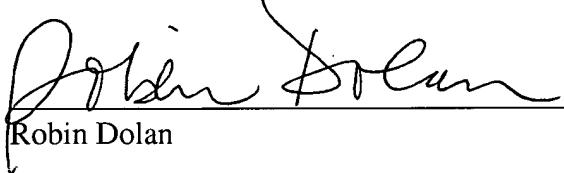
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re the Application of **Whitman et al**  
Application No. **09/887,789**  
Attorney Docket No. **3556-P03147US1**  
Filed: **June 22, 2001**  
For: **Electro-Mechanical Surgical Device**  
Examiner: **Tran, Louis B.**  
Group Art Unit: **3721**

**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

I hereby certify that this Response and accompanying papers are being deposited on September 28, 2005 with the United States Postal Service as first-class mail in an envelope properly addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

September 28, 2005  
Date of Certificate

  
Robin Dolan

**REQUEST TO WITHDRAW HOLDING  
OF IMPROPER NOTICE OF ABANDONMENT**

An Official Action dated February 24, 2005 was issued to Applicant. On August 24, 2005, Applicant timely filed an Amendment, a Request for Continued Examination, a request for a three-month extension, and the requisite fees. On September 1, 2005, the Examiner issued a Notice of Abandonment indicating that the application had gone abandoned because no reply was received.

Applicant requests that the holding of abandonment be withdrawn because Applicant timely filed a Request for Continued Examination. As evidence that the above-mentioned documents were timely filed, Applicant is enclosing the following:

-A copy of a postcard receipt showing that the RCE, Amendment and accompanying papers were timely filed on August 24, 2005. The postcard includes the OIPE

stamp indicating that USPTO received the papers even though the Notice of Abandonment states that no reply was received.

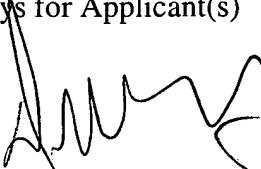
-A copy of the applicable pages from the PAIR System of the U.S. Patent and Trademark Office showing that the Request for Continued Examination was entered by the U.S. Patent and Trademark Office on August 29, 2005 and was sent to the Examiner on September 16, 2005.

In light of the foregoing, Applicant requests reconsideration of the Notice of Abandonment dated September 1, 2005.

Applicant believes that a fee is not required for this request. In the event that a fee is required, the Commissioner is authorized to charge the requisite fee to deposit account no. 04-1406, which is the deposit account of Applicants' undersigned attorney

Respectfully submitted,

DANN, DORFMAN, HERRELL & SKILLMAN  
A Professional Corporation  
Attorneys for Applicant(s)

By   
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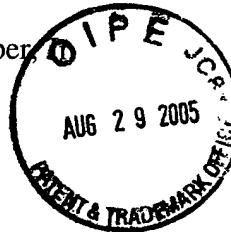
In re application of  
WHITMAN ET AL  
Application No.  
09/887,789  
For: ELECTRO-MECHANICAL  
SURGICAL DEVICE

RCE Transmittal  
Amendment/Response  
§1.136 req. for extension  
Fee Transmittal sheet (dupl)  
Auth. to charge dep. account  
**\$905** Check

Applicant(s) respectfully request that the Patent and Trademark Office place its STAMP of this POSTAL CARD and place it in the outgoing mail.

Mailed: August 24, 2005

By: Donald R. Piper





## United States Patent and Trademark Office

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**PATENT APPLICATION INFORMATION RETRIEVAL**

Search results as of: 9-21-2005::14:30:51 E.T.

Search results for application number: 09/887,789			
Application Number:	09/887,789	Customer Number:	110
Filing or 371(c) Date:	06-22-2001	Status:	Response to Non-Final Office Action Entered and Forwarded to Examiner
Application Type:	Utility	Status Date:	09-16-2005
Examiner Name:	SMITH, SCOTT A	Location:	ELECTRONIC
Group Art Unit:	3721	Location Date:	-
Confirmation Number:	7650	Earliest Publication No:	US 2002-0049454 A1
Attorney Docket Number:	11443/56	Earliest Publication Date:	04-25-2002
Class/ Sub-Class:	227/081	Patent Number:	-
First Named Inventor:	Michael Whitman, New Hope, PA (US)	Issue Date of Patent:	-
Title Of Invention:	Electro-mechanical surgical device		

## Search Options

Assignments
Continuity Data
Display References
Image File Wrapper
Publication Review
Published Documents

## File History

Date	Contents Description
09-16-2005	Date Forwarded to Examiner
09-16-2005	Date Forwarded to Examiner
08-29-2005	Request for Continued Examination (RCE)
09-16-2005	DISPOSAL FOR A RCE/CPA/129 (express abandonment if CPA)
09-01-2005	Mail Abandonment for Failure to Respond to Office Action
08-29-2005	Workflow - Request for RCE - Begin
08-30-2005	Abandonment for Failure to Respond to Office Action
08-08-2005	Case Docketed to Examiner in GAU
02-24-2005	Mail Final Rejection (PTOL - 326)
02-22-2005	Final Rejection
12-02-2004	terminal disclaimer fee paid
12-13-2004	Paralegal TD Accepted
12-02-2004	Terminal Disclaimer Filed
12-13-2004	Date Forwarded to Examiner

12-02-2004	Response after Non-Final Action
12-02-2004	Request for Extension of Time - Granted
12-02-2004	terminal disclaimer fee paid
12-02-2004	Workflow incoming amendment IFW
10-04-2004	Case Docketed to Examiner in GAU
05-20-2004	Reference capture on IDS
05-20-2004	Information Disclosure Statement (IDS) Filed
05-28-2004	Mail Non-Final Rejection
05-26-2004	Non-Final Rejection
03-16-2004	IFW Amended case processing Complete
02-23-2004	Information Disclosure Statement (IDS) Filed
02-17-2004	Reference capture on IDS
02-17-2004	Information Disclosure Statement (IDS) Filed
03-16-2004	Date Forwarded to Examiner
02-17-2004	Request for Continued Examination (RCE)
03-16-2004	DISPOSAL FOR A RCE/CPA/129 (express abandonment if CPA)
02-17-2004	Workflow - Request for RCE - Begin
08-12-2003	Mail Final Rejection (PTOL - 326)
08-11-2003	Final Rejection
06-27-2003	Date Forwarded to Examiner
06-16-2003	Response after Non-Final Action
06-19-2003	Request for Extension of Time - Granted
06-27-2003	Correspondence Address Change
06-30-2003	Change in Power of Attorney (May Include Associate POA)
12-16-2002	Mail Non-Final Rejection
12-12-2002	Non-Final Rejection
11-18-2002	Information Disclosure Statement (IDS) Filed
11-13-2002	Case Docketed to Examiner in GAU
10-07-2002	Information Disclosure Statement (IDS) Filed
10-08-2002	Case Docketed to Examiner in GAU
08-13-2002	Information Disclosure Statement (IDS) Filed
03-01-2002	Information Disclosure Statement (IDS) Filed
05-07-2002	Case Docketed to Examiner in GAU
01-26-2002	Application Dispatched from OIPE
01-22-2002	Application Is Now Complete
08-23-2001	Notice Mailed--Application Incomplete--Filing Date Assigned
08-22-2001	Correspondence Address Change
06-30-2001	IFW Scan & PACR Auto Security Review
06-22-2001	Initial Exam Team nn